

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NANCY TRECENO

-against-

C.tech COLLECTIONS, INC.

CV 02 2189

S.I. **FILED**
Plaintiff IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y. COMPLAINT

★ APR 10 2002 ★

SPATT, J.

Defendant
LONG ISLAND OFFICE

ORENSTEIN, M.

Plaintiff, by and through her attorney, Adam J. Fishbein, as and for her complaint alleges
as follows:

INTRODUCTION

0.1 This is an action for damages brought by an individual consumer for defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA" or "Act") which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

PARTIES

0.2 Plaintiff is a natural person residing in Suffolk County, New York, and is a consumer within the meaning of the FDCPA.

0.3 Upon information and belief, defendant C.tech resides in Suffolk County, New York and is engaged in the business of collecting debts as defined pursuant to 15 U.S.C. § 1692a(6). Defendant's correspondence states:

"This is an attempt to collect a debt. Any information obtained will be used for that purpose."

JURISDICTION

0.4 This Court has jurisdiction pursuant to 15 U.S.C. § 1692k (FDCPA) and 28 U.S.C. § 1331.

AS AND FOR A FIRST CAUSE OF ACTION

1.1 Plaintiff realleges paragraphs 0.1 through 0.4 as if fully restated herein.

1.2 That a personal debt transaction primarily for personal purposes was allegedly incurred by the plaintiff to Suffolk Anesthesiology Assoc, PC.

1.3 That at a time unknown to the plaintiff herein, the aforementioned debt was referred to the defendant for collection.

1.4 Defendant sent a letter to the plaintiff dated February 15, 2002 (copy attached hereto) to plaintiff's counsel which referenced various debts and reflected that Santina Russo wrote to Peter Baron to memorialize that there was a settlement concerning various debts, including one for \$425.00.

1.5 On or about March 15, 2002, defendant sent to a letter directly to the plaintiff (copy attached hereto) concerning the debt for \$425.00 and demanded payment of same.

1.6 Said letter was sent directly to the plaintiff when the defendant knew that plaintiff was represented by counsel.

1.7 The representations in the said letter were false because the parties had already come to a settlement concerning said debt.

1.8 Defendant violated the FDCPA. Defendant's violation includes, but is not limited to the following:

(a) That defendant violated 15 U.S.C. § 1692c by contacting the plaintiff after the defendant had been previously advised that the plaintiff was represented by counsel.

(b) The defendant violated 15 U.S.C. § 1692e(10) by using false representations and deceptive means in an attempt to collect a debt.

1.9 As a result of the above violation of the FDCPA, defendant is liable to the plaintiff for the sum of plaintiff's statutory damages to be determined at trial, plus costs and attorney's fees.

WHEREFORE, plaintiff respectfully prays that judgment be entered against defendant in the amount of:

(a) Statutory damages pursuant to 15 U.S.C. § 1692k as against each defendant in an amount to be determined at the time of trial.

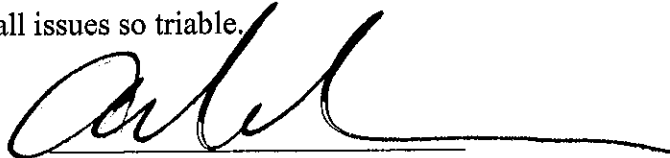
- (b) Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k.
- (c) For such other and further relief as may be just and proper.

Dated: Uniondale, New York
April 8, 2002



Adam J. Fishbein (AF-9508)
Attorney At Law
Attorney for the Plaintiff
366 Pearsall Avenue, Suite 5
Cedarhurst, New York 11516
Telephone (516) 239-9393
Facsimile (516) 371-5175

Plaintiff requests trial by jury on all issues so triable.



Adam J. Fishbein (AF-9508)

REC'D 02 11 308

031 331 3300

P.C.



Post Office Box 402, Mt. Sinai, NY 11766

February 15, 2002

Baron & Pagliughi
Attorneys at Law
Attn: Peter Baron
516-742-2600 Tele.
516-470-0000 Fax

RE: Nancy Trecino
Acct. #s: 8062-218-10260 -10/21/98
\$ 2,040.00
8062-218-10267 - 10/20/98
\$ 1,530.00
8062-218-10268 - 10/23/98
\$ 425.00
Balance: \$ 3995.00
Settlement: \$3000.00

Dear Sir:

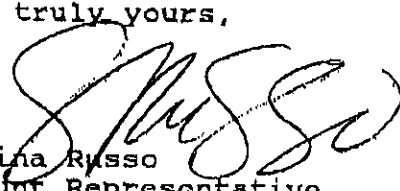
This is in reference to our conversation on February 14, 2002. We agreed on a settlement for above-referenced accounts in the amount of \$3,000.00.

Please remit payment to:

C.Tech Collections
P.O. Box 402
Mt. Sinai, NY 11766

Thank you for your cooperation with the above.

Very truly yours,


Santina Russo
Account Representative

IMPORTANT CONSUMER NOTICE

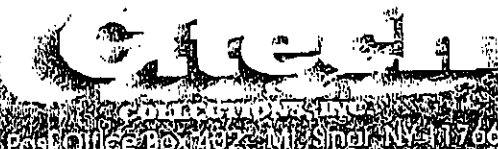
THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Mar 23 02 07:59a

Nancy Treceno

631 361 3614

P. 1



Fax 516 - 470 - 0000

NANCY TRECENO
46 LOCUST DR
NESCONSET, NY 11767

RE: SUFFOLK ANESTHESIOLOGY ASSOC, PC
ACCOUNT # 8062-218-10268

DETACH HERE AND RETURN WITH REMITTANCE

DATE: 03/15/02
BALANCE: \$ 425.00

DEAR NANCY TRECENO:

We are disappointed that you failed to make a payment on your account.

If you continue to ignore this matter, it may result in your name being reported to a credit reporting agency.

We urge you to pay your balance of \$ 425.00 in full. What steps we take will depend on your response. An envelope is enclosed for your convenience.

Donna Simpson
Collection Division Manager
(631) 331-0541

IMPORTANT CONSUMER NOTICE

THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.